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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Michel Couture
360 Terrasse Robillard
Saint-Andre'-D'Argenteuil
Quebec,
J0V1X0
Canada

MAILED

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OFFICE OF THE DIRECTOR
TC 3600

In re application of
Michel Couture
Application No. 10/776,176
Filed: February 12, 2004
For: APPARATUS AND METHOD FOR
SEPARATING/MIXING PARTICLES/FLUIDS

: DECISION ON PETITION
: TO MAKE SPECIAL
: (ENVIRONMENTAL QUALITY)
:

This is a decision on the petition filed February 12, 2004, under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section V: Environmental Quality.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

Petitioner states, "the present invention relates to a dry particle separation process and apparatus. The present invention describes a separation process and apparatus that do not require the use of water to separate finer particle from coarser particles", and "the process of the present invention produces a finer particle output that is free of polluted water". Petitioner goes on to say that "the present invention replaces dry classifiers on the market", and "describes a particle separation process and the collection of the finer particles in the same apparatus." Petitioner concludes, "The relative small size of the apparatus of the present invention enables same to be included in as a sub-process of various larger-scale processes, thereby reducing emissions of polluted air in such processes."

These statements are considered sufficient to grant a petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V: Environmental Quality.

For the above stated reasons, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/rwg: 11/06/04